



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING NOTICE:	BOARD OF NURSING Meeting Minutes
DATE AND TIME:	Wednesday, July 11, 2012 at 9:00 a.m.
PLACE:	Cannon Building, Second Floor Conference Room A 861 Silver Lake Blvd., Dover, DE 19904
Minutes Approved:	September 12, 2012

MEMBERS PRESENT

Evelyn Nicholson, President, Public Member
Robert Contino, RN, Vice President, Nurse Educator Member
Dianne Halpern, RN Member
Pamela Tyranski, RN Member
Robert Maddex, Public Member (left the meeting at 2:15 p.m.)
Harland Sanders, Public Member
Madelyn Nellius, Public Member
Mary Lomax, Public Member
Delphos Price, APN Member (left the meeting at 11:45 a.m.)
Lyron Deputy, RN Member
David Salati, RN Member (left the meeting at 2:15 p.m.)
Gwelliam Hines, RN Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Patty Davis-Oliva, Deputy Attorney General
Pamela Zickafoose, Executive Director
Sheryl Paquette, Administrative Specialist III
Sandra Wagner, Administrative Specialist III

MEMBERS ABSENT

Tracy Littleton, LPN Member
Kathy Bradley, LPN Member

ALSO PRESENT

Lorena Hartnett, Wilcox and Fetzer
Tammy Paxton, DTCC-Owens Campus
Barbara Robinson, Leads School
Joy Magee
Joe Myers
Rachel Joseph
Lisa Schieffert

Pat Welsh- DTCC-Stanton Campus
Connie Bushy – Margaret H. Rollins School of Nursing at Beebe Medical Center

Ms. Nicholson called the meeting to order at 9:05 a.m. The Board introduced themselves to the public.

REVIEW OF MINUTES

The Board reviewed the minutes of the meeting held on June 13, 2012. Mr. Price requested a change to page 7, line 13, to insert the words “after additional discussion...” Mr. Sanders made a motion, seconded by Mr. Maddex, to approve the minutes as amended. By unanimous vote, the motion carried.

ADOPTION OF THE AGENDA

Ms. Nicholson notified the Board that agenda item #10.3.2.1 (Lois Powell) on the original agenda was deleted because Ms. Powell submitted necessary paperwork meeting the requirements for licensure. Tammy Meredith was added to the agenda as item #10.1.1.5. under Licensure by Exam. Mr. Deputy made a motion, seconded by Ms. Tyranski, to adopt the agenda with changes. By unanimous vote, the motion carried.

ACTIVITIES REPORT

Dr. Zickafoose provided the report of the number and types of active licenses as of July 10, 2012.

Total Active Licenses = 19,185

APN = 1,193

RN = 15,237

LPN = 2,755

Total permits 55

UNFINISHED BUSINESS

Hearing Date for Gregory Morris

Ms. Nicholson discussed with the Board that on June 27, 2012 an emergency hearing was held for Mr. Morris. By law, a full hearing must be held within 60 days after an emergency hearing. Ms. Nicholson took a vote on how many members would be able to attend a hearing on August 8, 2012 to hold the full disciplinary hearing. Ms. Davis-Oliva asked Dr. Zickafoose to see if the Hearing Officers could hold the hearing for the Board of Nursing. Dr. Zickafoose reported the Hearing Officers would take this case. Ms. Singh will schedule the hearing within the required timeframe.

COMMITTEE REPORTS

APN Committee – Mr. Price reported the three Town Hall meetings were conducted with 20 APNs attending at Terry Campus, 21 APNs at Owens Campus, and 63 APNs at Stanton Campus. He stated Dr. Prettyman did an excellent job with the presentations, they were well received, and most questions pertained to grandfathering currently licensed APNs. The next meeting is July 31, 2012 at 6PM in Dover.

Practice and Education Committee – Dr. Contino reported the committee met on July 3rd to review the action and remediation plans and additional information from Leads School of Technology. He summarized for the Board they had originally voted to withdraw approval of the LPN program and the action plan was requested. The committee members asked for additional information and approved the remediation plan because it had merit. Dr. Contino made a motion to accept the recommendations from the committee. No second was required. By unanimous vote, the motion carried.

Dr. Contino presented a motion to approve the additional clinical site request at the Learning Center in Milford for the Margaret H. Rollins School of Nursing at Beebe Medical Center. No second was required. By unanimous vote, the motion carried.

PRESIDENT'S REPORT

Ms. Nicholson introduced and welcomed Ms. Sheryl Paquette. Ms. Paquette is the new Administrative Specialist III to Team A in the Division of Professional Regulation. In that capacity, Ms. Paquette will be serving the Board of Nursing. On behalf of the Board, Ms. Nicholson said the Board looks forward to working with Ms. Paquette.

Ms. Nicholson stated as the Board welcomes Ms. Paquette to the professional staff, they must now say, "so long" to Ms. Sandra Wagner. Ms. Wagner has served as Administrative Specialist III to Team A, and in the capacity, she has spent a great deal of time working with the Board of Nursing. Ms. Wagner has worked hard for us and with us. On behalf of all the members of the Board, Ms. Nicholson wanted to publicly acknowledge Ms. Wagner for her service, her patience, and her good humor. The Board members greatly appreciate all that Ms. Wagner has done. They wish her well in her new assignment as Administrative Specialist III for Team B.

EXECUTIVE DIRECTOR'S REPORT

Dr. Zickafoose introduced Sheryl Paquette as the new ASIII and she thanked Sandra Wager for her service to Team A. Dr. Zickafoose stated she had been busy interviewing applicants for the ASIII and ASII positions and reported that Meghan Jerman was going to be the new ASII for licensing and board liaison for Team A. She will begin her duties on July 29, 2012 when Danielle Ridgeway starts in the Information Center. Dr. Zickafoose explained the Team A re-organization of the 12 boards and that Ms. Paquette would be the liaison for Nursing, including the committees. Ms. Jerman would be the liaison for Podiatry and Architects in addition to her licensing duties. Ms. Howard will retain the same boards she is currently assigned.

Dr. Zickafoose reported the licensing fees will increase to \$124 for LPN, RN, and APN licenses. The fee for late renewal or reinstatement will increase to \$186. The temporary permit and inactive status fees will remain at \$35. Dr. Zickafoose reminded Board members that APNs require both the RN and a separate APN license with the corresponding licensure fee.

Dr. Zickafoose reported she requested to be on the Senior Leadership Team agenda for August to provide education regarding the APRN Consensus Model/LACE and to get input from the Executive Directors of Medicine and Pharmacy. She plans to attend a tri-regulator meeting in Washington, DC in October. Dr. Zickafoose stated she will be attending the NCSBN Annual Meeting in Dallas, TX in August and thanked Ms. Tyranski for volunteering to also attend.

NEW BUSINESS BEFORE THE BOARD

LICENSEE APPLICATION REVIEWS

Mr. Sanders asked Ms. Davis-Oliva if she had checked with her supervisor about rejecting applications. Ms. Davis-Oliva stated she did not have a reply.

By Examination

Deyata Evans, GPN – Ms. Evans graduated from DTCC-Terry Campus on Dec. 2011. Ms. Evans' CBC shows a retail theft in 1998, an offense which is listed in section 15.3.16 of the Rules, and a 2004 IVC misdemeanor. Ms. Evans answered question #19 with a "yes"; however, she did not mention the retail theft. Ms. Evans submitted a letter of explanation, disposition documents, and two positive letters of recommendation. Ms. Evans had discrepancies between her application and the information supplied

for the Board to review. Mr. Price made a motion, seconded by Mr. Deputy, to propose to deny Ms. Evans to sit for the exam. By unanimous vote, the motion carried.

Ajia Gordon, GN – Ms. Gordon graduated from Del Castle Technical High School June 1, 2007. Ms. Gordon was approved to take the NCLEX (outside 1 year rule) in January 2009, but never registered to take the exam. In July 2009, Ms. Gordon received the letter that she needed to submit a new application and paperwork. Ms. Gordon submitted a new application and related paperwork and took the exam on May 14, 2011 and December 20, 2011, and failed both times. In January 2012, Ms. Gordon received the letter (due to the new rule change with a 5 year limit) for passing the exam by June 30, 2012. Ms. Gordon passed the NCLEX-PN on June 26, 2012. Ms. Gordon is now outside the practice requirement and needs a supervised practice plan. Dr. Contino made a motion, seconded by Ms. Tyranski, to approve Ms. Gordon for a supervised practice plan. By unanimous vote, the motion carried.

Andelasha Frink, GN – Ms. Frink graduated from Lincoln Technical Institute February 14, 2012. Ms. Frink's CBC shows retail theft on November 7, 2006, an offense which is listed in section 15.3.16 of the Rules. Ms. Frink answered question #19 with a "no." Ms. Frink submitted a letter of explanation, disposition documents, and three positive letters of recommendation. Ms. Frink failed to disclose the retail theft on her application and the Board feels that she was trying to hide the incident. Her letter of explanation said it was a non-traffic citation less than \$25 and the officer told her it would not be on her record. Ms. Halpern stated Ms. Frink left a number of questions blank; she also questioned the reference letters. Ms. Hines added the letters look the same, and Ms. Tyranski said they look like generic employment letters. Mr. Sanders commented that if you were fingerprinted you should know there was a violation. Mr. Sanders made a motion, seconded by Mr. Maddex, to propose to deny Ms. Frink to sit for the exam. By unanimous vote, the motion carried.

Richard Gray, GN

Mr. Gray graduated from DTCC—Terry Campus on May 14, 2012. Mr. Gray's CBC shows possession of a controlled substance on December 28, 1993. Mr. Gray submitted a letter of explanation, disposition documents, and two letters of recommendation. Ms. Nicholson stated Mr. Gray did not answer question #7 on the application, relating to primary state of residence, but he later submitted a notarized letter declaring Delaware as his state of residence. In addition question #11, relating to nursing program entrance and graduation dates, was not answered. Mr. Deputy made a motion, seconded by Mr. Price, to propose to deny Mr. Gray to sit for the exam. By unanimous vote, the motion carried. The President of the Board has been delegated authority to act on behalf of the Board when necessary. It was later determined Mr. Gray met the qualifications for a waiver and was not a threat to the public safety and welfare. There were no legal grounds for denying authorization to sit for the NCLEX exam. Therefore, a waiver was granted.

Board members discussed incomplete applications and Ms. Nicholson asked if we could send them back marked as "incomplete", and Dr. Contino asked if we could charge an additional fee for processing. Dr. Zickafoose stated she thought it was the current practice to not accept incomplete applications but there was no fee associated with this. Mr. Deputy made a motion, seconded by Mr. Price, that from this point forward the Board will have the staff return any application that does not have every question answered, with perhaps a form letter that says, "Your application cannot be accepted because one or more of the questions have not been answered." By unanimous vote the motion carried. Dr. Contino made a motion to recommend to the Division of Professional Regulation that an additional processing fee be assessed for incomplete applications that must be returned to the applicant. Mr. Maddox seconded the motion. By unanimous vote, the motion carried.

Tammy Meredith, GPN

Ms. Meredith graduated from DTCC-Owens Campus on May 5, 2012. Ms. Meredith's CBC shows disorderly conduct on October 12, 1996. Ms. Meredith submitted disposition documents and two positive letters of recommendation. Ms. Hines made a motion, seconded by Ms. Nellius, to grant a waiver to Ms. Meredith to sit for the NCLEX exam. By unanimous vote, the motion carried.

By Endorsement

There were no applications for Board review at this meeting.

By Reinstatement

Cynthia Johnston, RN – Ms. Johnston was originally licensed in 1990 and her license lapsed in 2003. Delaware is the only state in which Ms. Johnston has been licensed. Ms. Johnston completed a refresher course from the University of Delaware in September 2009, which included both didactic and clinical, but then contracted Lymes Disease. Ms. Johnston submitted a doctor's letter saying her "symptoms are abated." Ms. Johnston is outside the two year rule and would need a supervised practice plan. Mr. Price made motion, seconded by Ms. Halpern, to approve Ms. Johnston to have a supervised practice plan. By unanimous vote, the motion carried.

Advanced Practice Nurse

There were no applications for Board review at this meeting.

Renewal

There were no renewal issues for this meeting.

ASSIGNMENTS/ASSIGNED BOARD CONTACT PERSON

Dr. Lomax made a motion, seconded by Mr. Salati, to ratify the following complaint assignments given to the respective Board contact person. By unanimous vote, the motion passed.

11-42-12 Littleton	11-45-12 Hines	11-48-12 Price	11-51-12 Deputy
11-43-12 Salati	11-46-12 Lomax	11-49-12 Littleton	11-52-12 Sanders
11-44-12 Nellius	11-47-12 Maddex	11-50-12 Halpern	

CLOSED COMPLAINTS

Closed complaints do not need a vote; they are for information only to get into the record.

Dismissed by the Attorney General's Office

11-06-11

Closed Investigations by the Division of Professional Regulation

11-28-11

11-29-12

HEARINGS/CONSENT AGREEMENTS – RATIFICATION & SIGNATURE

Consent Agreement(s)

Mary Beth Snyder, RN - Board members reviewed the consent agreement. Dr. Contino made a motion, seconded by Mr. Price, to accept and approve the consent agreement for probation for 6 months. Mr. Salati started a discussion by not agreeing with the consent and stated that he would like to see the consent rejected and sent back to the prosecuting attorney general. Mr. Salati feels that

more sanctions are needed. Ms. Davis-Oliva explained this is a consent agreement and Ms. Snyder admitted and accepted the penalties. However, the Board has the option to not accept the consent and it could be sent back to the prosecutor who can then withdraw it, request a hearing or try another consent. Ms. Nicholson reminded the Board members the motion was made to accept, it was seconded, and she called for the vote. By majority vote, the motion carried with Mr. Salati and Ms. Hines opposing.

Ms. Davis-Oliva asked the Board staff to include details in the minutes of Board member suggestions for consent agreements.

Hearing Panel Findings/Decisions/Orders

Appointment of Hearing Panel #11

Ms. Nicholson stated that before appointing the new Hearing Panel, she would like to publicly, and for the record, acknowledge the members of Hearing Panel #10 for the extra time and extra service that they were willing to give to the Board and the citizens of Delaware. Although there were no hearings in May nor in June, and there are none scheduled for July, the members were willing to serve for the three month period and they were available had the need arisen, and for that she would like to thank them. The Panel members were Dr. Robert Contino, Mr. David Salati, and Mr. Robert Maddex.

Ms. Nicholson then nominated the members for Hearing Panel #11. The nominations are:
Ms. Dianne Halpern, as a Professional Member and as Chairman of the Panel;
Ms. Pamela Tyranski, as a Professional Member; and
Dr. Mary Lomax, as the Public Member.

Hearing Panel #11 will serve for a three-month period: August, September, and October.

Dr. Contino made a motion, seconded by Mr. Maddex, to appoint Hearing Panel #11. By unanimous vote, the motion carried.

Ms. Nicholson thanked the members of the new Hearing Panel for accepting their appointment and for their willingness to serve.

There were no Hearing Panel Findings/Decisions/Orders this month.

Hearing Officer Recommendations

Doreen Dorsi, RN

Board members reviewed the recommendation from the Hearing Officer with Ms. Davis-Oliva describing the reason for the rule to show cause hearing as failure to comply with a Board Order. It was noted on page 9 the last word should be "reinstatement." Ms. Davis-Oliva will make the correction. She then stated there were no exceptions to the recommendation received by the Board office from Ms. Dorsi. Mr. Price made a motion, seconded by Ms. Tyranski, to accept the recommendations from the Hearing Officer with changes made to page 9. By unanimous vote, the motion carried.

Dawn Donovan, RN

Ms. Nicholson asked Board counsel to summarize the recommendation. Board members reviewed the recommendation from the Hearing Officer. Mr. Price discussed the levels of pain medication a person can function on and stated that all people are different. In addition tests do not show accurately the levels for any particular person. Dr. Zickafoose added that kidney function, time of drug ingestion, and food consumption are some factors that affect drug levels. She added that the Board of Medical Licensure and Discipline is working on a standardized pain management protocol that will be shared

with APNs. Ms. Halpern made a motion, seconded by Mr. Price, to accept the Hearing Officer recommendations. By unanimous vote, the motion carried.

DISCIPLINARY HEARINGS

Hearing minutes follow the regular Board minutes.

LEGISLATIVE UPDATE

Senate Bill - 178 – Dr. Zickafoose reported this bill passed and it refers to an administrative procedures change that will delay enactment of Rules and Regulations. This allows for a 15 day window for written comments.

Senate Bill - 257 – This Act expands the ability of persons to assist in the administration of medications by including coaches or persons hired or contracted by schools serving students from kindergarten through grade 12 and it allows AWSAM during approved school activities outside the traditional school day and off-campus.

House Bill 238 with HA1 – Military Spouse – This bill simplifies the process for a military spouse applying for reinstatement of a professional license or permit. It allows the spouse a permit for up to six months while DPR is processing the application and awaiting the criminal background check.

Dr. Zickafoose read from and explained the DPR Operations policy titled “When to Accept/Reject Applications” stating it is current policy to reject incomplete applications.

REVIEW OF COMPLIANCE

None

PRACTICE WITHOUT LICENSURE REVIEWS (June)

There was one practicing without licensure for more than 60 days for June. A complaint has been filed with the investigators.

PRACTICE ISSUES

There were no practice issues for this month.

EDUCATIONAL ISSUES

There were no educational issues for the month.

LICENSURE ISSUES

There were no licensure issues for this month.

NCSBN

Dr. Zickafoose and Ms. Tyranski will be attending the Annual meeting in August.

LICENSEE RATIFICATION

Mr. Price made a motion, seconded by Mr. Deputy, to ratify the licensee list. By unanimous vote, the motion carried. Dr. Zickafoose pointed out there were no APNs for prescriptive authority because the Board of Medical Licensure and Discipline will meet on July 24, 2012, after this meeting.

PUBLIC COMMENT

Tammy Meredith said she was at the meeting because she thought her application would be on the agenda for Board review; however, her application was not on the agenda. Ms. Wagner will see her during the Board recess to discuss the reasons for not being on the July agenda.

The Board took a recess from 11:25 a.m. until 12:35 p.m. The Board went back in session to discuss the application of Ms. Meredith. Ms. Meredith's application was added to the agenda as item #10.1.1.5. The Board took recess again from 12:45 p.m. to 1:00 p.m.

NEXT SCHEDULED MEETING

September 12, 2012 - 9:00 a.m.

861 Silver Lake Blvd., Cannon Building, Conference Room A, Dover, DE 19904.

ADJOURNMENT

The meeting adjourned at 2:55 p.m.

Respectfully Submitted,

A handwritten signature in black ink that reads "Pamela C. Zickafoose". The signature is written in a cursive, flowing style.

Pamela C. Zickafoose, EdD, MSN, RN, NE-BC, CNE
Executive Director, Delaware Board of Nursing

HEARING MINUTES

HEARING – Nancy Stromberg

The Delaware Board of Nursing held a hearing on July 11, 2012, at 1:00 p.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Evelyn Nicholson, Dianne Halpern, Pamela Tyranski, Robert Maddex, Harland Sanders, Madelyn Nellius, Mary Lomax, David Salati and Gwelliam Hines

RECUSED: Robert Contino and Lyron Deputy

EXCUSED: Tracy Littleton, Kathy Bradley, and Delphos Price

PURPOSE: Propose to Deny

PRESIDING: Evelyn Nicholson, President

BOARD STAFF: Pamela Zickafoose, Executive Director of Nursing, Sheryl Paquette, Administrative Specialist III, Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Patricia Davis-Oliva, DAG

DEPUTY ATTORNEY GENERAL FOR THE STATE:

RESPONDENT: Nancy Stromberg

COUNSEL FOR THE RESPONDENT:

WITNESSES FOR THE STATE: Dr. Pamela Zickafoose

WITNESSES FOR THE RESPONDENT:

COURT REPORTER PRESENT: Lorena Hartnett, Wilcox and Fetzer

TIME STARTED: 1:00 p.m.

The recorder took verbatim testimony. The Board members introduced themselves. Ms. Davis-Oliva described the reason for the hearing and confirmed Ms. Stromberg was present for the hearing. Ms. Davis-Oliva marked as Board exhibit 1 the letter of proposal to deny and two letters from St. Joseph's House. Ms. Davis-Oliva marked Ms. Stromberg's application and documents submitted for licensure as Board exhibit 2. Ms. Stromberg gave a statement into the record. The Board went off the record at 1:36 p.m. for deliberations. The Board went back on the record at 1:45 p.m. The Board went off the record for the second time at 1:58 p.m. for deliberations. The Board went back on the record at 2:07 p.m. Mr. Salati made a motion, seconded by Ms. Nellius, to have the hearing held in abeyance for Ms. Stromberg until the Board has the documentation of her practice hours. Another hearing will be held for Ms. Stromberg. By unanimous vote, the motion carried. The hearing concluded at 2:09 p.m.

HEARING MINUTES

HEARING – Anne Stump

The Delaware Board of Nursing held a hearing on July 11, 2012, at 2:18 p.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Evelyn Nicholson, Dianne Halpern, Pamela Tyranski, Harland Sanders, Madelyn Nellius, Mary Lomax, Gwelliam Hines, Robert Contino, and Lyron Deputy

RECUSED:

EXCUSED: Tracy Littleton, Kathy Bradley, David Salati, Robert Maddex and Delphos Price

PURPOSE: Disciplinary Hearing

PRESIDING: Evelyn Nicholson, President

BOARD STAFF: Pamela Zickafoose, Executive Director of Nursing, Sheryl Paquette, Administrative Specialist III, Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Patricia Davis-Oliva, DAG

DEPUTY ATTORNEY GENERAL FOR THE STATE: Barbara Gadbois, DAG

RESPONDENT: Anne Stump

COUNSEL FOR THE RESPONDENT: Chuck Whitehurst, Esq.

WITNESSES FOR THE STATE:

WITNESSES FOR THE RESPONDENT:

COURT REPORTER PRESENT: Lorena Hartnett, Wilcox and Fetzer

TIME STARTED: 2:18 p.m.

The recorder took verbatim testimony. The Board members introduced themselves. Ms. Davis-Oliva asked for introductions of the State's counsel and respondent's counsel. Ms. Stump was sworn in. Ms. Gadbois described the reason for the hearing. Mr. Whitehurst gave his opening statement. Ms. Davis-Oliva entered joint documents as Counsel's exhibits 1. consent agreement, 2. CE certificate, 3. letter from Donna Bowers, and 4. packet of documents- evaluation and letter from Colleen Allorto. The Board went off the record at 2:42 p.m. for deliberations. The Board went back on the record at 2:47 p.m. to ask more questions of Ms. Stump. The Board went off the record at 2:50 p.m. The Board went back on the record at 2:53 p.m. Ms. Halpern made a motion, seconded by Mr. Deputy, to accept the consent order as written. By unanimous vote, the motion carried. The hearing concluded at 2:54 p.m.